

These minutes have been approved by the Board on 3.7.2022

MINUTES OF THE VIRTUAL CONFERENCING MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
February 7, 2022

1. ROLL CALL

The conference call meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice Chair, Pamela Rowland, at 10:30 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Room B, Lincoln, Nebraska. In accordance with § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were 1) mailed to the Board members and other interested parties, and 2) posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and on the bulletin board in the Licensure Unit Lobby and posted 1.25.2022.

Members Present on call (11):

The following members answered roll call:

Bridget Anderson, Chair
Shannon Bingham, Member
Jacqueline Hornig, Secretary
Ruth Lucas, Member
Becky Pettigrew, Member
Brandy Phillips, Member
Pamela Rowland, Vice-Chair
Harold "Buddy" Sims, Member
Vicki Criswell, Member
Marie Nordboe, Member
Matt Bavougian, Member

Members Absent (1):

Leslie Reed, Member

Others Present:

Kris Chiles, Program Manager, Licensure Unit (in the room)
Carrie Oldehoeft, Health Licensing Coordinator (in the room)
Milissa Johnson-Wiles, Assistant Attorney General (in the room)
Kate Manuel, DHHS Attorney (in the room)
Anna Harrison, DHHS Compliance Monitor (on call)
Public (on call)

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Criswell moved, seconded Rowland, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe (10). Voting nay: None (0). Absent: Reed (1). Vacant positions (2). Motion carried.

10:36 a.m. Reed entered the call

3. APPROVAL OF MINUTES

MOTION: Criswell moved, seconded by Rowland, to defer the minutes of January 3, 2022 for a mail ballot to make corrections. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

MOTION: Criswell moved, seconded by Nordboe, to approve the minutes of January 24, 2022, with a change to motion wording for going to closed session. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

4. Updates/Follow-up

a) **2022 Legislation-**

LB709, Chiles went over what the bill consists of and opened it to the board for discussion. The hearing related to the bill was on February 3. This is a priority bill for Senator McCollister, Committee is Government, Military and Veterans Affairs. Chiles reports that the bill defines what is considered a disqualifying conviction.

11:23 a.m. Phillips exited the room

LB 169, Rowland reported nothing new, unto to meet with Senator due to Covid.

11:27 Phillips entered the room

LB 743, Chiles updated regarding the Open Meeting Acts, regarding to change provisions relating to when closed sessions may be held; to repeal the original section; and to declare an emergency.

b) **Body Art Regulations-**There are no updates at this time.

c) **NIC conference**—Nordboe reported there are no updates at this time.

d) **Reports:** Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed. Statistics will continue to be attached to the agenda's.

11:43 a.m. Public exited call

5. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Criswell moved, seconded by Lucas, to enter into closed session at 11:44 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

12:17 p.m. Oldehoeft exited room

12:21 p.m. Oldehoeft entered room

12:22 p.m. Manual exited room

12:24 p.m. Manual entered room

12:45 p.m. Manual exited room

1:00 p.m. Harrison exited call

1:00 p.m. Break

1:17 p.m. Board return from Break

2:00 p.m. Phillips exited room

2:05 p.m. Phillips entered via the phone

6. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

2:06 p.m. Verbal agreement from all board members to enter into open session.

Henrietta Gallegos – Reinstatement following Revocation

MOTION: Nordboe moved, seconded by Phillips, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Jason Gens – Esthetic via Reciprocity

MOTION: Hornig moved, seconded by Criswell, to recommend issuance with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell,

Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Danielle Clouse: Cosmetologist

MOTION: Bavougian moved, seconded by Anderson, recommend to issue with a 1-year probation with the following terms and conditions: No solo practice, no money handling, Quarterly employer reports, and the Standard Terms and Conditions of probation. Basis: Conviction history. Voting aye: Anderson, Bavougian, Phillips, Reed, Criswell, Nordboe (6). Voting nay: Bingham, Hornig, Lucas, Rowland, Sims (5). Absent: (0). Vacant positions (2). Motion carried.

Rima Sharro Hadgi - Esthetician

MOTION: Sims moved, seconded by Lucas, recommend to issue with a 3-year probation with the following terms and conditions: Random body fluid screens, Abstain from Alcohol/Drug, Report prescribed medication, follow recommendations of assessment and any future recommendations, No solo practice, No money handling, Quarterly employer reports, and the Standard Terms and Conditions of probation. Basis: Conviction history and diagnosis. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Anita Hinkle – Reinstatement Early Release from Probation

MOTION Hornig moved, seconded by Sims, recommend to release from probation with no terms and conditions. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Sims, Nordboe, Reed (9). Voting nay: Criswell, Rowland (2). Absent: None (0). Vacant positions (2). Motion carried.

Connie Rogers – Nail Technology Instructor

MOTION: Sims moved, seconded by Hornig, to recommend issuance with no terms and conditions. A voice vote was taken. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Beauty Secrets By Alicia-Body Art Facility

MOTION: Hornig moved, seconded by Bavougian, to recommend issuance to recommend a 6 month probation, with the following terms and conditions: Owner successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to mandatory report a conviction with 30 days of occurrence. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Long Nails-Nail Technology Salon Application

MOTION Rowland moved, seconded by Criswell, to recommend issuance to recommend a 6 month probation, with the following terms and conditions: Owner successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to mandatory report a conviction with 30 days of occurrence. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Jason O'Daniel – Tattoo Artist

MOTION Nordboe moved, seconded by Criswell, recommend to issue with a 5-year probation with the following terms and conditions: No solo practice, No money handling, Quarterly employer reports, report any parole violations to Department within 30 days of violation and the Standard Terms and Conditions of probation. Basis: Conviction history and current court probation. A voice vote was taken. Voting aye: Bingham, Bavougian, Hornig, Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (10). Voting nay: Anderson (1). Absent: (0). Vacant positions (2). Motion carried.

Melissa's Suite – Cosmetology Salon

MOTION: Lucas moved, seconded by Hornig, to recommend issuance to recommend a 6 month probation, with the following terms and conditions: Owner successfully complete the jurisprudence examination within 90 days and the Standard Terms and Conditions of probation. Basis: Failure to mandatory report a conviction with 30 days of occurrence. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig,

Lucas, Phillips, Reed, Rowland, Sims, Criswell, Nordboe (11). Voting nay: None (0). Absent: (0). Vacant positions (2). Motion carried.

Simry Machuca – Tattoo Artist

MOTION: Nordboe moved, seconded by Anderson, to defer and request additional information. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

Justino Leija – Tattoo Artist

MOTION: Sims moved, seconded by Criswell, to recommend issuance with no terms and conditions. A voice vote was taken. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe, Reed (11). Voting nay: None (0). Absent: None (0). Vacant positions (2). Motion carried.

7. CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Sims moved, seconded by Criswell, to enter into closed session at 2:31 p.m. for the purpose of discussions of confidential nature to review the jurisprudence examination. Anderson repeated the motion and purpose. A voice vote was taken. Voting aye: Anderson, Bingham, Bavougian, Hornig, Lucas, Phillips, Rowland, Sims, Criswell, Nordboe (10). Voting nay: None (0). Absent: Reed (1). Vacant positions (2). Motion carried.

8. OPEN SESSION

3:13 p.m. Verbal agreement from all board members to enter into open session.

9. ADJOURNMENT

Anderson announced the next meeting is scheduled as a Virtual meeting on February 28, 2022 for a special workgroup regarding the Jurisprudence Exam. The next regular board meeting will be March 7, 2022 and declared the meeting adjourned at 3:30 p.m.

Submitted,

Jackie Hornig, Secretary
Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by the Licensure Unit.